

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

United States of America)

v.)

JONATHAN YATES)

Case No.)

5:20-mj-00017)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 20, 2019 in the county of Raleigh in the
Southern District of West Virginia, the defendant(s) violated:

Code Section

18 U.S.C. § 242

Offense Description

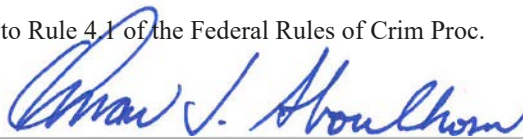
Deprivation of rights under color of law (resulting in bodily injury and including kidnapping)

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.*Complainant's signature*

Michael Moyer, FBI Special Agent

*Printed name and title*Sworn to before me and signed ~~in my presence~~, via telephone pursuant to Rule 4.1 of the Federal Rules of Crim Proc.Date: 03/31/2020*Judge's signature*City and state: Beckley, West Virginia

Hon. Omar J. Aboulhosn, U.S. Magistrate Judge

Printed name and title

A F F I D A V I T

STATE OF WEST VIRGINIA

COUNTY OF RALEIGH, to-wit:

I, Michael Moyer, being first duly sworn, do hereby depose and state as follows:

Affiant Experience and Training

1. I, Michael Moyer, am a Special Agent with the Federal Bureau of Investigation (FBI). I have been so employed since January 2016. Upon joining the FBI, I received twenty weeks of training at Quantico, VA at the FBI Academy. As part of my training, I learned how to conduct logical investigations into criminal activity. I have specific experience conducting investigations into matters involving sexual abuse. Prior to joining the FBI, I served as a police officer for approximately six years in the Commonwealth of Pennsylvania.

2. As part of my duties as an FBI Special Agent, I investigate criminal violations relating to acts of Violent Crime and Violent Crimes Against Children, to include but not limited to rape, sexual assault, child sexual assault and child pornography. I have participated in the preparation and execution of multiple federal search warrants.

3. I know from my training and experience as an FBI agent that the FBI has authority to investigate sex crimes occurring within the territorial jurisdiction of the United States and the deprivation of civil rights under color of law.

Probable Cause

1) In June 2019, I opened an investigation into Dr. JONATHAN YATES based upon allegations from several patients at the Veterans Affairs Medical Center (VAMC) in Beckley, West Virginia that Dr. YATES had sexually abused them.

2) Based on my investigation, the VAMC is on federally-owned land and falls within the territorial jurisdiction of the United States.

3) Dr. YATES is a doctor of osteopathic medicine who was employed by the United States Department of Veterans Affairs as the Whole Health Director at the VAMC from in and around April 2018 to in and around June 2019.

4) On August 22, 2019, pursuant to this investigation, I met with VETERAN 1 at the VAMC.

5) VETERAN 1 is a 42-year-old male veteran of the U.S. Army with 100% service-connected disability.

6) VAMC records show that VETERAN 1 saw Dr. YATES for one appointment on February 20, 2019. Accordingly, Dr. YATES saw

VETERAN 1 on that date in his capacity as a federal employee of the Department of Veterans Affairs and on the grounds of the VAMC.

7) VETERAN 1 told me that he went to see Dr. YATES in February of 2019 in order to get a referral from Dr. YATES so VETERAN 1 could continue with massage therapy treatments for chronic back pain as well as pain in his toes, fingers, and hips. VETERAN 1 told Dr. YATES that he was there for that referral to continue with massage therapy treatments.

8) VETERAN 1 also told Dr. YATES that he could not have his neck cracked due to his medical issues. According to VETERAN 1, Dr. YATES acknowledged that he heard VETERAN 1.

9) At the beginning of the appointment, VETERAN 1 saw Dr. YATES lock the door to the examination room.

10) Because of the locked door, VETERAN 1 was alone and isolated with Dr. YATES in the examination room. No one would have been able to enter the examination room without a key or Dr. YATES unlocking the door and allowing entry.

11) During the appointment, Dr. YATES massaged VETERAN 1's breasts and brushed his hands over VETERAN 1's nipples. During that time, Dr. YATES made several comments about VETERAN 1's muscle tone. Dr. YATES commented on VETERAN 1's chest hair and called him a real man.

12) Later in the appointment, Dr. YATES told VETERAN 1 to remove his boxer briefs. According to VETERAN 1, Dr. YATES commented, "Boxer briefs - my favorite. Keeps everything tight and in place."

13) As VETERAN 1 was taking off his boxer briefs, Dr. YATES grabbed his boxer briefs and pulled them all the way down.

14) Dr. YATES then began to rub VETERAN 1's perineum and handle his testicles with an ungloved hand. Dr. YATES repeatedly told VETERAN 1 that it was okay to be sexually aroused by this contact. Dr. YATES's contact with VETERAN 1's perineum caused VETERAN 1 pain. During this massaging, Dr. YATES's hand, both the front and back, consistently brushed up against VETERAN 1's penis.

15) Dr. YATES then had VETERAN 1 roll onto his stomach. As VETERAN 1 did that, Dr. YATES kept his hand on VETERAN 1's perineum and continued to massage that region, continuing to cause VETERAN 1 pain.

16) As Dr. YATES massaged VETERAN 1's perineum with one hand, he massaged VETERAN 1's buttocks with his other hand. VETERAN 1 told Dr. YATES to stop, but Dr. YATES continued. When VETERAN 1 again told Dr. YATES to stop, Dr. YATES appeared irritated, stopped, and smacked VETERAN 1's buttocks.

17) VETERAN 1 then pulled up his pants to end the session. Dr. YATES told VETERAN 1 he should not have pulled up his pants and that Dr. YATES was not yet finished.

18) Dr. YATES then began working on VETERAN 1's upper body. He cracked VETERAN 1's neck without warning and despite VETERAN 1's previous instruction to Dr. YATES not to crack his neck.

19) This neck crack caused VETERAN 1 to experience severe pain and numbness throughout his body. VETERAN 1 could not move.

20) Immediately after Dr. YATES immobilized VETERAN 1 with the neck crack and while VETERAN 1 was unable to resist, Dr. YATES physically rolled VETERAN 1 back onto his stomach and pulled down VETERAN 1's underwear without permission. Dr. YATES then rubbed VETERAN 1's perineum and buttocks again.

21) VETERAN 1 told Dr. YATES he wanted his underwear back on, but Dr. YATES told him that leaving them off allowed greater flexibility.

22) At the end of the session, Dr. YATES hugged VETERAN 1.

23) VETERAN 1 suffered pain as a result of the neck crack for several days.

24) VETERAN 1 reported that he told B.C., another VAMC employee, about Dr. YATES's inappropriate behavior. B.C. confirmed to me that VETERAN 1 had disclosed to her.

25) When I interviewed VETERAN 1, he provided me with a signed typed statement dated June 28, 2019, affixed hereto as Exhibit 1 and incorporated by reference.

26) Throughout this investigation, I also interviewed additional Veterans who saw Dr. YATES at the VAMC for treatment. These Veterans described their appointments with Dr. YATES, and their descriptions of aspects of Dr. YATES'S behavior during their appointments were similar to VETERAN 1's experience. Several of these Veterans also wrote statements describing their appointments with Dr. Yates.

27) I interviewed VETERAN 3. According to VAMC records, VETERAN 3 saw Dr. YATES on August 15, 2018, September 17, 2018, and September 26, 2018.

28) VETERAN 3 provided a written statement, affixed hereto as Exhibit 2 and incorporated by reference.

29) I interviewed VETERAN 4. According to VAMC records, VETERAN 4 saw Dr. YATES on January 16, 2019.

30) VETERAN 4 provided a written statement, affixed hereto as Exhibit 2 and incorporated by reference.

31) VETERAN 1 is represented by a civil attorney in this matter, although a lawsuit has not yet been filed.

32) VETERAN 1 knows VETERAN 4 because they participate in the same support group, and is aware of VETERAN 4's allegations.

They are being represented by the same attorney. I have no information indicating that VETERAN 3 knows either VETERAN 1 or VETERAN 4.

33) During the course of this investigation, I also interviewed Dr. S.H., who worked directly with Dr. YATES in February 2019. Dr. S.H. told me that Dr. YATES told him something along the lines of, "I'm not able to explore the things I'd like to with some of the guys because I'm a married man and my wife wouldn't understand."

34) According to Dr. S.H., Dr. YATES also admitted to causing his patients to ejaculate on more than one occasion.

35) At the VAMC, Dr. YATES performed osteopathic manipulative therapy (OMT).

36) Based on information provided by Dr. B.N. an independent medical doctor who is an expert in OMT, I know that OMT is a very hands-on technique, similar to chiropractic care, that involves the doctor physically realigning joints in the body to relieve pain or achieve certain motor function goals. Because OMT rarely involves sensitive areas and because it requires the doctor to feel the patient's skeletal and muscular response to manipulations, it is routine for doctors, particularly older doctors, to perform external OMT ungloved.

37) According to Dr. B.N., OMT treatment of pain in sensitive areas, such as the pelvis, can be accomplished without sensitive touching. For instance, treating pelvic pain can be accomplished through sacral rocking where the doctor's hands are on the small of the patient's back, or through reorientation of the pelvis through stretching of the pelvic musculature, where the doctor's hands are on the patient's legs and hips. Myofascial unwinding is another technique, closely resembling massage, that involves the doctor rubbing fascia to relieve tension. Muscle energy techniques require the patient to engage a muscle while the doctor creates resistance to the muscle. These techniques are performed several times in short but sustained intervals to help muscles relax. Generally, OMT is performed on a fully clothed patient or on a patient with just their shirt removed.

38) According to Dr. B.N., there are sensitive applications of these techniques. A muscle energy technique can be applied to the rectum, but would require the patient to participate by contracting their anus while the doctor placed a gloved finger or object inside to create resistance to the contraction. Myofascial unwinding can be applied to the pelvic floor externally (to the perineum) and internally. Manipulative therapies to the coccyx are sometimes accomplished internally.

39) Dr. B. N. reviewed VETERAN 1's allegations, as well as the patient notes Dr. YATES completed for VETERAN 1's appointment. Dr. B.N. opined that Dr. YATES did not document any indicators for application of OMT techniques to VETERAN 1's perineum. Based on this lack of documentation and the patient allegations, Dr. B.N. concluded that the contact between Dr. YATES's hand and VETERAN 1's perineum lacked a medical purpose.

40) Dr. B.N. opined that, based on his training and experience and what VETERAN 1 described, contact between Dr. YATES's hand and VETERAN 1's testicles was not legitimate medical treatment.

41) Dr. B.N. opined that, based on his training and experience, slapping a patient on the buttocks is not legitimate medical treatment.

42) Dr. B.N. opined that, while erections during OMT treatments can happen, they are not common.

43) Dr. B.N. stated that a neck crack, a high-velocity, low-amplitude technique used in OMT, should never be used without the consent of the patient. Dr. B.N. also opined that a neck crack could be applied to a person in such a way as to incapacitate that person, particularly if the person had a condition that rendered him sensitive to such techniques.

44) This affidavit is intended to show that there is probable cause for the requested arrest warrant and does not purport to set forth all of my knowledge of, or investigation, into this matter.

45) Based upon your affiant's past experience and training as an FBI Special Agent and evidence gathered during this investigation, your affiant submits that there is probable cause that on and around February 20, 2019, Dr. JONATHAN YATES, acting under color of law, willfully deprived VETERAN 1 of his constitutional right to bodily integrity in violation of Title 18, United States Code, § 242.

46) I submit that there is probable cause that the offense resulted in bodily injury because VETERAN 1 reported that Dr. YATES's rubbing of his perineum caused VETERAN 1 pain.

47) I submit that there is probable cause that the offense included kidnapping because Dr. YATES's cracking of VETERAN 1's neck, in a locked room, resulted in incapacitation and allowed Dr. YATES to control VETERAN 1's movement.

48) The events described in this affidavit occurred in Beckley, West Virginia and within the Southern District of West Virginia.

49) Further, your affiant sayeth naught.



Michael Moyer, Special Agent
Federal Bureau of Investigation

Sworn to before me, and subscribed in my presence, this 31st
day of March 2020.



Omar J. Aboulhosn
United States Magistrate Judge

Exhibit 1

On February 20, 2019, I saw Dr. Jonathan Yates for my initial appointment. The reason for this appointment was to get a referral for non-VA Massage Therapy, which I had been getting. I was told I needed to see Dr. Yates to get approval for ongoing sessions.

He told me he would do a thorough examination & that he could do massages and acupuncture. He told me about osteopathic manipulation.

He asked me to remove my shoes and my shirt/tee shirt/sweat shirt. He told me to lie on the examination table faceup. As I was doing that, he locked the door(I saw him lock the door and I heard the click), he turned the music up and he started humming.

He approached me from behind, put his hands on my chest and started massaging it. He said to me, "What a hairy chest, a real man". He brushed his hands across my nipples. He then moved to my neck and shoulders, massaging those areas. "It's extremely tense. I'll fix that."

He then told me to roll over onto my stomach. He rubbed my neck and shoulders, and worked his way down to my lower back/waist area. As he was doing this, he would make comments about my chest and muscle tone.

He asked me to remove my jeans so that he could check my lower back and hips. I complied. I explained to him (again) where my chronic pain was and what was causing it. My pain is from neuropathy. Dr. Yates insisted that he needed to do this examination in order to properly diagnose me.

(I already knew what the problem was. I was there to get the OK to continue massage therapy)

After I removed my pants, he observed that I was wearing boxer briefs. "Boxer briefs – my favorite. Keeps everything tight and in place."

He instructed me to then lie back on the table, on my back. He began to feel around the groin area, the top of my thighs and inside the groin area. I felt myself getting tense when he did that. He stated, "It's fine. There are areas to check around here, and if you get aroused, it's only natural".

He continued to feel and massage around the groin and surrounding areas. He stated, "I'll have to remove your boxers to reach and feel properly". I raised my head and started to protest. He placed one hand on my chest and tried to reassure me that he is a professional and this was needed.

I began to push the boxers down. He then took the boxers and pulled them down to my feet, quickly. He said again, "It is fine to be aroused. Do not be embarrassed". He abruptly, without warning, cupped my testicles with one hand and with the other hand he poked and rubbed the area between my testicles and my anus. I immediately felt intense pain, an 8/9 on a 0-10 scale.

I told him it hurt. He said it would hurt but would subside when I relaxed. He continued to rub that area, even brushed against my penis. After a few minutes (it seemed a long time), he instructed me to roll over onto my stomach. While I was rolling, his hand stayed on my groin area and the pain continued.

At this point, his free hand started to massage my buttocks. I again asked him what this was for, and told him the pain was getting worse. The pain was in my hips, back, up my spine, and the groin area. He

X [REDACTED]
X *GRADY* 6/28/2019

placed his hand from my buttocks to my lower back and again tried to reassure me that this was what he needed to do, and that I should relax.

This continued for a couple of minutes. "Let's try something else."

He then smacked my ass, removed his hand from my groin area, and instructed me to roll over again, onto my back. As I rolled over, I jerked my boxers back up (He was washing his hands at this point)

He turned around and said, "that wasn't necessary. I wasn't done". He began to massage my neck, shoulders and chest. Then, he cracked my neck. The pain was excruciating. I felt it all over my body.

He was not supposed to do this. I made it clear from the beginning of this session that he was not to crack my neck.

I was in shock, could not even speak.

He then rolled me over onto my stomach again and pulled down my boxers. He put one hand on my buttocks to massage them, and the other hand went back to the groin area previously described. He was essentially groping me.

I finally recovered from the shock enough to tell him "That's enough. This is not helping". He answered, "It will. Let's try one more thing". He started to manipulate my hips. I was still in pain but, at least, his hands were no longer on my groin area. That lasted around five minutes or so. My boxers were still around my ankles. I told him I wanted my boxers back on, but he said, "No. This allows more flexibility".

He again told me, "If you get aroused, it's ok. Nobody will know". (By the way, I never did)

Then he said, "Time's up. You can get dressed, then we'll talk".

I tried to leave the room. Before I could leave, he put his arm around my shoulder, and led me to sit on the examination table. He told me, "The next session will be better. I'm here to help, physically and mentally. Whatever we talk about, stays in this room". He patted my leg and gave me a hug. He instructed me to make a follow-up appointment. As I was leaving the room, he followed close behind. He watched me make the appointment, watched me walk away.

I walked to my car as fast as I could, despite my pain. I went to the gas station bathroom and used multiple sanitary wipes because I felt dirty after that encounter. X [REDACTED]

X [REDACTED]
X [REDACTED] 6/28/2019

Exhibit 2

I am reporting the fact that I was a victim of sexual assault by Dr. Yates during a visit. He started by asking me what issues I had. I explained that I was disabled due to PTSD. I also told him that I struggle with IBS, anxiety attacks, muscle spasms, and back problems. He asked what if anything I tried had helped. I told him that I had tried physical therapy and chiropractic care which helped some but only gave short term relief. I said to him that currently I was trying yoga and meditation in the Whole Health Clinic and that had been recommended to try allowing him to do joint manipulation to help with my back spasms and pain. I explained that counseling and church had helped me more than anything.

He began by telling me that I should not be uncomfortable if I had any issues during the procedure. He warned me that sometimes young guys with a lot of testosterone commonly got erections during the procedure. I was then instructed to remove all of my clothing but that I could leave on my underwear if I was more comfortable that way. He started manipulating my neck and back, similar to the way my chiropractor had before. Then he began working on my shoulder and arm joints. He started a discussion asking where and when I served. These were general question and conversations that were common at the Veteran Affairs Hospital.

After working on my upper extremities, Dr. Yates then moved to the area where my leg and groin met. He reaches his hand underneath my underwear, placing his fingers in the crease of the joint space. He was not wearing gloves, but he explained this was so that he could feel the movement of the joint. He then leaned over my torso and worked my leg joint around. This made me a bit uncomfortable, but his but the explanation seemed reasonable. Occasionally when he moved my leg around his arm would come in contact with my penis. It was always the side of his upper arm or forearm. It seemed unintentional. He began talking again, which helped to ease the awkwardness. As the conversation progressed, he asked about how the church helped me. I told him that I did the youth ministry at my church and that I enjoyed it that it was somehow therapeutic for me. He asked if I had heard about the child abuse scandal going on in the catholic church. He then asked if he could confide something to me. I told him that would be fine. He then explained how he had been sexually abused as a child. He said it helped to be able to talk about it. Though probably inappropriate, it is not uncommon for someone to give more information than they should to someone involved in ministry. However, it was a little awkward at the end when he said he felt like we could be friends.

This conversation became stranger when he asked if it would be okay to call me if he was having issues. I told him that if he was having an issue that would be okay. I understood this to be a laity to a pastor relationship that may not happen. I asked him if he needs my number, and Dr. Yates said no he could get from my records. I should not have told him this was okay, but as a minister, I did not want to tell anyone who needed help that I would not help them. I was not entirely comfortable with how this appointment and had gone. I thought it was weird, but it did help my back pain. I asked several staff members what they thought about Dr. Yates. Most told me that he was strange, but he was a good doctor. On August 25, 2018, at 4:14 pm, Dr. Yates began texting and calling me from (724) 986-9889. After this, he would go out of his way to talk to me when he saw me in the Whole Health Clinic. He usually asked how things were going. Dr.

Yates was always strange, but it seemed that most veterans felt that way. He's a weird guy, but his treatments seemed to be helpful.

During my second appointment, another doctor was in the room with us. It was explained to me why the doctor was there. I believe he was a student. Again, I was instructed to remove all of my clothing but that I could leave on my underwear if I was more comfortable that way. The second appointment was similar to the first. He again leaned over my torso and worked my leg joint around. The way my underwear was lifted, my penis was visible to the second doctor seating at my head. Having him there made me a bit uncomfortable, though if Dr. Yates was doing something inappropriate, he had full visibility which helped to make me more comfortable. Occasionally when he moved my leg around as before his arm would come in contact with my penis. However, this time, he actually would slide my penis over with his arm as if it was in the way. At times the other doctor would ask questions about the differences between what an osteopathic doctor did and what a chiropractor would do. He explained how the doctor's body was positioned as the main difference in how the treatments were performed. He demonstrated how the chiropractor's crouch was in the patients face and then immediately apologized to me for acting out. I was so uncomfortable with this interaction that I asked a doctor friend about it. He said it sounds strange, but if there was a witness, I was probably just being paranoid. He added that osteopathic medicine is different from chiropractic medicine and usually is more in-depth.

My third appointment, I was alone again with Dr. Yates. He asked me if the treatment was helping, I told him that it was, but I thought I might request to try acupuncture as well. He said to me that we could discuss it as an option. The appointment we went as usual. At the end of the appointment, he leaned across my thighs close to my groin and asked if there was anything else, he could do for me. I said, No. I slid away and started to put on my shirt. He said I thought you wanted to try acupuncture. I said, I do. He said I can do it right now if you wish. I said I didn't know that you did that. He said that he could do a little.

So, he instructed me to remove my shirt and lie face down on the table. He began placing needles from my left shoulder down my back. He told me that he would need to slide down my underwear so that he could place needles on down my back to help sciatic nerve. He pushed my underwear a few inches below my butt cheeks and added more needles. He then turned off the lights and turned up the music that always played. He sat down beside me on the bed and began messaging and kneading my butt checks. I asked him what he was doing. He told me that it helped stimulate blood flow into my lower back. He then moved my legs and felt as if the needles were pulling the muscles up in my back, and I could not pick up my leg. He asked if that hurt when I moved. I told him it did so he said just to lay still. He then placed a knuckled into my taint. I want to jump but could not move. He said this was to release tension.

It was at this point I realized that I was right to be concerned about the behavior in the other appointments. When I told him, I did not like it that was increasing my tension, he released the pressure and returned to messaging my but cheeks. I told him that I was done for the day. He asked if I was sure. I told him I was. I knew at this point; I would not be able to defend myself he did not stop because of the acupuncture needles in my back. I honestly was afraid that I might be

raped at this point. Instead, he began to remove the needles that were in my left butt cheek. He then squeezed both butt checks, patted my bottom, and pulled up my underwear and continued to remove the rest of the needles.

The next day I told a couple of people that I trusted, I believed I had been sexually assaulted, and they laughed. They each said there was no way someone would attack me. I told them seriously the guy started messaging my butt and they laughed harder, and I never told any of the rest of the story to anyone until the 13th. I tried returning to Whole Health for yoga until Dr. Yates approached me at one of my appointments and told me that he had read my records and knew there had been infidelity in my marriage and we should talk. I realized this man had access to my private files. He had access to my address and detailed information about my family.

I quit attending yoga and meditation after this. Dr. Yates continued to contact me by phone and text until February 9 of 2019. During this time, someone called my wife from the Beckley Veteran Affairs Hospital claiming to be an investigator and asked my wife if anything inappropriate had happened between myself and Dr. Yates. She told the individual that all she knew was that he made me uncomfortable. The news stories caused my wife to question things. The supposed investigator made NO effort to contact me.

I returned to Whole Health after Dr. Yates was removed from the clinic. A new acupuncturist had been hired, so I tried to receive treatment again. This doctor was very professional, but I felt that same trapped sensation that I had experienced with Dr. Yates. After the appointment, my PTSD was awful. I had other appointments for treatment scheduled by I never returned.

Then on September 12 of 2019 people started asking me if I knew what was going on at the Beckley Veteran Affairs Hospital. I read on national news outlets that a Doctor from the hospital had been fired and was being investigated for sexual assault. This has led to people wondering if I had been raped. On Friday, September 13, I contacted the Beckley Veteran Affairs Hospital and requested to have a meeting set up with the Hospital Director. When they asked what was in regards to I told them that was about the sexual assaults taking place at the hospital, I was told I talk to a police officer. Instead of waiting, I drove to the hospital and reported the incident to Ms. Lynch. Up until this point, I had only told her that he made me uncomfortable.

I left mental health and went directly to the Hospital Directors office and was denied access to him. The reason I wanted to speak with the Director was my concern about things happening in the Veterans Affairs Hospital in West Virginia. At the hospital in Clarksburg, veterans have been murdered by its staff members. I am reporting on a man who knows where my family lives and where my children go to school. I think this is a reasonable concern, but obviously, the administrative staff at Beckley does not. I believe they would understand my concerns if only they would listen. I need to know what safety procedures are in place when I do not know that copies of my medical records or personal information are not in possession of this doctor.

Exhibit 3



Department of Veterans Affairs

VOLUNTARY WITNESS STATEMENT

Location: BECKLEY VADate: 21 JUN 19

I, [REDACTED], residing at or employed at [REDACTED]
 make the following statement freely and voluntarily:

ON NOV. 28, 2018 I SAW DR. YATES FOR THE FIRST TIME, FOR A 1 HOUR SESSION. UPON MEETING HIM, HE ASKED ME MY NAME, LAST FOUR SOCIAL, AND IF I HAD MST. I ~~ANSWERED~~ ^{ANSWERED} HIS QUESTIONS, AND KNOWING HE CAN SEE MY CHART, I RELUCTANTLY SAID "YES I HAVE MST." AFTER TELLING HIM THIS HE SAID THAT, "THIS IS A SAFE ENVIRONMENT, YOU CAN TRUST ME." HE THEN HAD ME LAY ON MY BACK ON HIS TABLE. HE PROCEEDED TO POP MY NECK AND BACK WHILE HE WAS DOING HIS COSTOPATHIC MANIPULATION, HE WOULD OFTEN SAY THAT MALES WOULD/COULD HAVE ERECTIONS FROM HIS MANIPULATION. HE PROCEEDED TO "MANIPULATE" THE AREA BETWEEN MY PRIVATE AREA AND ANUS WITH HIS KNUCKLES. I CLAIMED THAT THIS HURT BADLY. HIS RESPONSE WAS "IT'LL HELP YOU OUT LATER WITH YOUR WOMAN." MEANING SEXUAL ACTIVITY WITH MY SPOUSE. I FELT UNCOMFORTABLE. I TOLD HIM THAT I WAS UNCOMFORTABLE ^{WITH} ~~WITH~~ THIS TYPE OF "MANIPULATION." HE JUST KEPT GOING. HE MANIPULATED MY LEGS AND THAT WAS THE END OF THE FIRST SESSION. ALSO, HE WOULD START EVERY SESSION WITH ME ON MY BACK AND HE WOULD RUB MY CHEST. ONE BREAST AT A TIME. FEELING AND MASSAGING MY BREAST, I WOULD MAKE FACES OF PAIN AND TELL HIM THAT IT HURT. BUT HE SMILED AND SAID "IT'S OKAY." AFTER MY FIRST SESSION HE APPROACHED ME AND PUT BOTH HANDS (OF HIS) ON MY SHOULDERS AND PULL ME IN FOR A HUG, AN UNWANTED, UNWARRANTED HUG.

[REDACTED]
 Declarant Initials

Page 1 of 3



Department of Veterans Affairs

VOLUNTARY WITNESS STATEMENT
(Continuation Sheet)

Statement of _____

MY SECOND SESSION WAS THE WORST. IT STARTED OUT WITH HIM TRYING HUG ME. I FELT LIKE HE HAD THE AUTHORITY TO HUG ME. I DIDN'T EMBRACE HIM AND I THINK HE NOTICED. I THEN WAS INSTRUCTED TO LAY ON MY BACK. HE THEN STARTED TO RUB MY BREAST AGAIN LIKE IN THE FIRST SESSION BUT THIS TIME MORE ROUGH. AND HE WOULD SQUEEZE THEM. HE THEN POPPED MY NECK AND UPPER BACK, ~~ALL~~ ALL WITHIN FIVE MINUTES. HE THEN INSTRUCTED ME TO FLIP ON TO MY STOMACH. WHEN I WAS ON MY STOMACH, HE THEN PULLED MY PANTS DOWN TO MY ~~NEE~~ KNEES WITHOUT WARNING OR EVEN ASKING. I HAVE A TATTOO OF A HERSHEY'S KISS ON MY LEFT BUTTOCKS. HE SAW IT AND SAID, "OH, KISSES ARE MY FAVORITE. I WOULD LIKE TO TAKE A BITE OUT OF A KISS RIGHT NOW." HE THEN PROCEEDED TO RUB/"MESSAGE" MY BUTTOCKS WITH HIS BARE HANDS. AFTER ABOUT TWO MINUTES OF HIS UNCOMFORTABLE BUTT RUBBING. HE THEN ASKED IF HE CAN DO ~~ACUPUNCTURE~~ ACUPUNCTURE ON MY LOWER BACK. I SAID YES SINCE HE HAS A LICENSE FOR ~~BATTERED~~ ACUPUNCTURE. HE THEN PUT A NEEDLE IN EACH BUTTOCKS AND CONNECTED THEM TO AN ELECTRIC MACHINE. FOR ABOUT TEN MINUTES HE WOULD PULLE MY BUTTCHEEKS. I COMPLAINED IT HURT MY LOWER BACK MORE AND HE SAID, "KEEP YOUR HEAD DOWN. IT'LL HELP. I PROMISE." AFTER HE FINISHED THAT, HE SAT DOWN NEXT ME ON THE TABLE (I WAS SITTING UP AT THIS POINT) AND HE TRIED TALKING TO ME ABOUT MY MIST.

I have read/have had read to me the above statement consisting of 3 page(s), and certify that it is true and correct to the best of my knowledge.

No threats or promises have been made to me and no pressure or coercion of any kind has been used against me.

X _____
(Declarant) Signature

6/21/19
Date

[Signature]
(Witness) Signature

6/21/2019
Date



Department of Veterans Affairs

VOLUNTARY WITNESS STATEMENT
(Continuation Sheet)

Statement of [REDACTED]

HE ~~SAID~~ WOULD GET CLOSER TO ME AND RUB MY BACK. I DIDN'T GO INTO DETAIL ABOUT MY ~~THAT~~^{MST} I TOLD HIM I DIDN'T WANT TO. HE PUT HIS HAND ON MY RIGHT THIGH AND SAID "YOU CAN TRUST ME. I'M YOUR FRIEND. I'VE BEEN THROUGH IT TOO." HE THEN TRIED HUGGING ME ON THE TABLE, AT WHICH I STOOD UP AND SAID I HAD TO GO. HE QUICKLY JUMPED UP AND GRABBED ME AND HUGGED ME, RUBBING MY BACK WHILE DOING IT. THE ACTION WAS NOT RECIPROCATED. I HAVE NOT SEEN HIM SINCE. ALSO DURING THE SECOND SESSION, HE ~~WENT~~ WENT BACK TO THE AREA BETWEEN MY PRIVATES AND ANUS. THIS TIME HE USED A BARE OPEN HAND AND RUBBED. HE SLIPPED HIS HAND NEAR MY ANUS, TWICE. I TOLD HIM "THAT WAS NOT AN AREA THAT NEEDS MASSAGING." HE CONTINUED UNTIL THE SECOND TIME I TOLD HIM. ~~CBP~~

21 JUN 19

Declarant Initials